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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/811,986	03/30/2004	Tsuyoshi Tanabe	Q80616	3135

23373 7590 02/12/2007  
SUGHRUE MION, PLLC  
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SUITE 800  
WASHINGTON, DC 20037

EXAMINER
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SEVERSON, JEREMY R

ART UNIT	PAPER NUMBER
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3653

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/12/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

**Office Action Summary**

Application No.

10/811,986

Applicant(s)

TANABE, TSUYOSHI

Examiner

Jeremy R. Severson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 30 November 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3 and 12 is/are rejected.
- 7) ☒ Claim(s) 4-11 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Priority***

Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file. Applicant's certified copy of foreign priority application was received on 30 March 2004.

### ***Drawings***

Drawings were received on 30 March 2004. These drawings are acceptable.

The claim rejections have been maintained or modified as follows:

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 6,478,864 to Iesaka (*hereinafter* "Iesaka") in view of Japanese Patent No. 6-171816 to Igarashi (*hereinafter* "Igarashi").

Iesaka discloses a sheet discharging apparatus (10) comprising:

a conveyor (26) for conveying a sheet on a conveying path;

a discharging device (28) disposed near an exit of said conveying path for discharging out said sheet, said discharging device being positioned apart from said

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conveyor, a discharging speed of said discharging device being higher than a conveying speed of said conveyor (col. 8, lines 3 *et seq.*)

Iesaka does not disclose a pushing device for allowing said discharging device to discharge said sheet by pushing said sheet toward said discharging device, when a rear edge of said sheet passes said conveyor.

However, Igarashi discloses a pushing device for allowing a discharging device to discharge a sheet by pushing the sheet toward said discharging device, when a rear edge of said sheet passes said conveyor. Igarashi discloses this pushing device for the purpose of surely conducting the paper to the stacker (see translated abstract). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Iesaka to include a pushing device, as taught by Igarashi, for the purpose of surely conducting the paper to the stacker.

In regard to claim 2, Igarashi discloses both a retracted position and a push position (see Fig. 2).

In regard to claim 3, Igarashi discloses both a guide member (8) and push roller (9) attached to the guide member.

Claims 1-3 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 6,135,448 to Daito (*hereinafter* "Daito") in view of Igarashi.

Daito discloses a sheet discharging apparatus comprising:

a conveyor (50/51) for conveying a sheet on a conveying path;

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a discharging device (52) disposed near an exit of said conveying path for discharging out said sheet, said discharging device being positioned apart from said conveyor, a discharging speed of said discharging device being higher than a conveying speed of said conveyor (col. 9, lines 7 *et seq.*)

Daito does not disclose a pushing device for allowing said discharging device to discharge said sheet by pushing said sheet toward said discharging device, when a rear edge of said sheet passes said conveyor.

However, Igarashi discloses a pushing device for allowing a discharging device to discharge a sheet by pushing the sheet toward said discharging device, when a rear edge of said sheet passes said conveyor. Igarashi discloses this pushing device for the purpose of surely conducting the paper to the stacker (see translated abstract). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Daito to include a pushing device, as taught by Igarashi, for the purpose of surely conducting the paper to the belt portion (116).

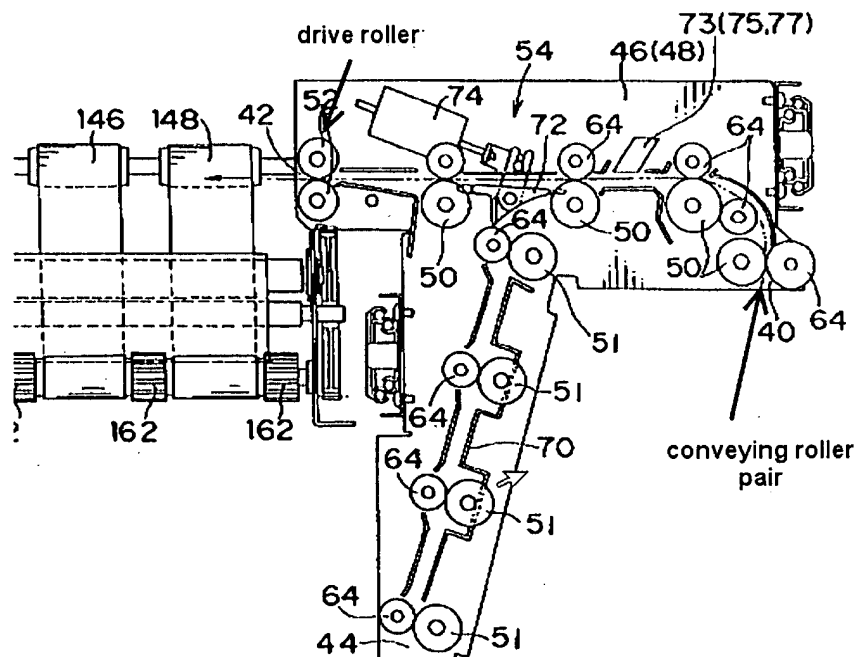
In regard to claim 2, Igarashi discloses both a retracted position and a push position (see Fig. 2).

In regard to claim 3, Igarashi discloses both a guide member (8) and push roller (9) attached to the guide member.

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In regard to claim 12, Daito discloses that said conveyor includes a conveying roller pair (50, 64), and the discharging device is a drive roller (52), and the sheet does not contact the drive roller before it leaves the conveying roller pair. See fig. 4 of Daito, shown below as annotated by the Examiner.

F I G. 4



***Allowable Subject Matter***

Claims 4-11 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Response to Arguments***

Applicant's arguments filed 30 November 2006 have been fully considered but they are not persuasive.

Applicant argues that the pushing device of Igarashi does not function to push the sheet toward the discharging device, because the pushing device is disposed downstream of the discharging device (remarks, p. 7). The Examiner agrees that the pushing device of Igarashi is disposed downstream of the discharging device. However, the Examiner disagrees with the assertion that the pushing device of Igarashi does not function to push the sheet toward the discharging device. The push-pressing roller 9 of Igarashi pushes the discharged sheets with the force of either a spring or the roller's weight, and houses the sheets into a stacker 17a. See abstract of Igarashi. The arrow of the trajectory of the roller in figure 2 shows that the roller exerts a force with a component in the upstream direction. Therefore, even though the push-pressing roller of Igarashi is disposed downstream of the discharging device, it still functions to push the sheet toward the discharging device.

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Applicant further argues that the pushing device is not capable of pushing the paper toward the discharge rollers, because the discharged paper is continuously pinched between the rollers 52 in Daito as well as the belt 11 and discharge roller 1 of Igarishi (remarks, p. 8). The examiner disagrees, because the pushing device of Igarishi continues to operate on the paper after it has left the roller 1. See Igarishi abstract.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeremy R. Severson whose telephone number is (571) 272-2209. The examiner can normally be reached on Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick Mackey can be reached on 571-272-6916. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Jeremy R Severson  
Examiner  
Art Unit 3653

jrs



**PATRICK MACKEY**  
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